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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE ESTATE OF GLADYS C. LURIA, et al.,

Defendants.

Adv. Pro. No. 10-05283 (SMB)

**STIPULATION AND ORDER FOR  
VOLUNTARY DISMISSAL OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants the Estate of Gladys C. Luria and Richard C. Yeskoo, in his capacity as personal representative of the Estate of Gladys C. Luria (“Defendants”), by and through their counsel, Yeskoo Hogan & Tamlyn, LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 6, 2010, the Trustee filed and thereafter served the Complaint.
2. On December 10, 2010, the Trustee file and thereafter served the Amended Complaint.
3. On January 15, 2013, Defendants, and others no longer parties to the action, served an answer on the Trustee.
4. By stipulation and order dated March 23, 2016, the Trustee, *inter alia*, dismissed certain defendants and counts, thereby leaving Defendants as the only remaining defendants in the action.
5. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [ECF No. 3181 in Adv. Pro. No. 08-01789 (SMB)], the Parties entered into a Settlement Agreement and Release effective December 27, 2017 (the “Settlement Agreement”).
6. Pursuant to the terms of the Settlement Agreement, and in accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary

proceeding without prejudice, without costs to either Trustee or Defendants, and subject to the right of the Trustee to move *ex parte* to re-open this adversary proceeding or to seek entry of judgment pursuant to a stipulation for entry of judgment in the event of an uncured default under the terms of the Settlement Agreement. Upon the Trustee's receipt of the full Settlement Amount as set forth in the Settlement Agreement, and provided there is no default under the Settlement Agreement, this dismissal shall be deemed with prejudice.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

*[signatures on next page]*

Dated: January 5, 2018

BAKER & HOSTETLER LLP

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*Attorneys for Defendants*

SO ORDERED

Dated: **January 5, 2018**  
New York, New York

/s/ STUART M. BERNSTEIN  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE